

Sec. 22. REPEAL. Chapter 137, Code and Code Supplement 2009, is repealed.

Approved March 10, 2010

CHAPTER 1037

FIRE PROTECTION SYSTEM INSTALLATION AND MAINTENANCE — LICENSURE

S.F. 2355

AN ACT relating to the licensure of persons engaged in fire protection system installation, maintenance, repair, service, or inspection.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 100C.6, subsection 4, Code Supplement 2009, is amended to read as follows:

4. Relieve any person engaged in fire ~~sprinkler~~ protection system installation, maintenance, repair, service, or inspection as defined in section 100D.1 from obtaining a fire ~~sprinkler~~ protection system installer and maintenance worker license as required pursuant to chapter 100D.

Sec. 2. Section 100D.1, subsections 1, 5, and 8, Code Supplement 2009, are amended to read as follows:

1. “~~Apprentice sprinkler fitter~~” fire protection system installer and maintenance worker” means a person who is registered in an apprenticeship program approved by the United States department of labor who is engaged in learning the fire protection system industry trade under the direct supervision of a responsible managing employee of a certified fire extinguishing system contractor or licensed fire ~~sprinkler~~ protection system installer and maintenance worker and who is registered with the United States department of labor, office of apprenticeship other than a trainee.

5. “*Fire protection system*” means a sprinkler, standpipe, hose system, special hazard system, dry systems, foam systems, or any water-based fire protection system, ~~either whether engineered or preengineered and whether~~ manual or automatically activated, used for fire protection purposes that is composed of which may include an integrated system of underground and overhead piping and which may be connected to a water source. ~~For licensing purposes only “fire protection system” does not include the water service piping to a structure or building from a city water main.~~

8. “*Fire sprinkler protection system installer and maintenance worker*” means a person who, having the necessary qualifications, training, experience, and technical knowledge, conducts fire protection system installation and maintenance, and who is licensed by the department to install or maintain the types of fire protection systems endorsed on the license.

Sec. 3. Section 100D.1, Code Supplement 2009, is amended by adding the following new subsections:

NEW SUBSECTION. 8A. “*Preengineered fire protection system*” means a fire protection system that has a predetermined flow rate, nozzle pressure, and quantity of extinguishing agent.

NEW SUBSECTION. 9. “*Responsible managing employee*” means an owner, partner, officer, or manager employed full-time by a fire extinguishing system contractor who is certified by the national institute for certification in engineering technologies at a level three in fire protection technology, automatic sprinkler system layout, or another certification in automatic sprinkler system layout recognized by rules adopted by the fire marshal pursuant to section 100C.7 or who meets any other criteria established by rule.

NEW SUBSECTION. 9A. "Routine maintenance" means the repair or replacement of existing fire protection system components of the same size and type for which no changes in configuration are made, and does not include any new installation or the expansion or extension of any existing fire protection system.

NEW SUBSECTION. 10. "Trainee" means a person who is engaged in learning the fire protection system industry trade under the direct supervision of a responsible managing employee of a certified fire extinguishing system contractor or licensed fire protection system installer and maintenance worker and who is not registered with the United States department of labor.

Sec. 4. Section 100D.2, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. On or after January 1, 2010, a person shall not perform fire protection system installations or fire protection system maintenance without holding a current, valid fire ~~sprinkler protection system~~ installer and maintenance worker license issued pursuant to this chapter, with appropriate endorsements for that type of system, with the following exceptions:

a. An employee of a fire extinguishing system contractor working as an apprentice ~~sprinkler fitter~~ fire protection system installer and maintenance worker performing fire protection system installation or maintenance under the direct supervision of an on-site responsible managing employee or licensed fire ~~sprinkler protection system~~ installer and maintenance worker is not required to hold a current, valid fire ~~sprinkler protection system~~ installer and maintenance worker license.

b. A person who installs or demolishes walls, ceilings, flooring, insulation, or associated materials or a person who demolishes ~~sprinkler pipe~~ fire protection system components is not subject to the provisions of this chapter except when the work involves a complete sprinkler system. A person is not required to be licensed in order to demolish part of a system or a partial system, provided that the system is taken out of service. If a system is restored to service after having been taken out of service, the restoration work must be performed by a person licensed pursuant to this chapter or a responsible managing employee.

c. A person who is a responsible managing employee of a fire extinguishing system contractor is not required to hold a current, valid fire ~~sprinkler protection system~~ installer and maintenance worker license, in order to perform fire protection system installations or maintenance.

d. A trainee who works at all times under the direct supervision of a licensed fire protection system installer and maintenance worker, other than an unclassified person, may be licensed to work on special hazard fire protection systems but shall not be licensed to perform installation or maintenance on a preengineered fire protection system or on an engineered water-based fire protection system. A trainee license may be renewed once and a person may work as a trainee for a maximum of four years.

2. A licensed fire ~~sprinkler protection system~~ installer and maintenance worker must be present at all locations and at all times when fire protection system installation work is being performed. At least one licensed fire ~~sprinkler protection system~~ installer and maintenance worker must be present for every three apprentice ~~sprinkler fitters~~ fire protection system installers and maintenance workers or trainees performing work related to fire protection system installation.

Sec. 5. Section 100D.2, subsection 6, Code Supplement 2009, is amended by striking the subsection.

Sec. 6. Section 100D.3, Code Supplement 2009, is amended to read as follows:

100D.3 Fire ~~sprinkler protection system~~ installer and maintenance worker license.

1. The state fire marshal shall issue a fire ~~sprinkler~~ protection system installer and maintenance worker license to an applicant who meets all of the following requirements:

a. ~~Possesses a minimum of four years of employment experience as an apprentice sprinkler fitter.~~

~~b. a.~~ Has completed a United States department of labor fire protection apprenticeship program approved by the United States department of labor, or has completed two years of full-time employment or the equivalent thereof as a trainee.

~~e. b.~~ Is employed by a fire extinguishing system contractor. However, an applicant whose work on extinguishing systems will be restricted to systems on property owned or controlled by the applicant's employer may obtain a license if the employer is not a certified contractor.

~~d. c.~~ Has received a passing score on the national inspection, testing, and certification star fire sprinkler mastery exam or on an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal, or is certified at level one by the national institute for certification in engineering technologies based on general work elements, as defined by the national institute for certification in engineering technologies, and as specified by rule by the state fire marshal, or is certified by another entity approved by the fire marshal.

1A. The state fire marshal shall issue a fire protection system installer and maintenance worker license with endorsements restricted to preengineered fire protection systems to an applicant who does not meet the requirements of subsection 1 but does meet the following requirements:

a. To be endorsed as a preengineered kitchen fire extinguishing system installer, has successfully completed training and an examination verified by a preengineered system manufacturer, an agent of a preengineered system manufacturer, or an organization that is approved by the state fire marshal.

b. To be endorsed as a preengineered kitchen fire extinguishing system maintenance worker, has successfully completed training by the worker's employer or the system's manufacturer and has passed a written or online examination for preengineered kitchen fire extinguishing system maintenance that is approved by the state fire marshal.

c. To be endorsed as a preengineered industrial fire extinguishing system installer, possesses a training and examination certification from a preengineered system manufacturer, an agent of a preengineered system manufacturer, or an organization that is approved by the state fire marshal.

d. To be endorsed as a preengineered industrial fire extinguishing system maintenance worker, has been trained by the worker's employer, and has passed a written or online examination for preengineered industrial fire extinguishing system maintenance that is approved by the state fire marshal.

2. The holder of a fire sprinkler protection system installer and maintenance worker license shall be responsible for license fees, renewal fees, and continuing education hours.

3. The license of a fire sprinkler protection system installer and maintenance worker licensee who ceases to be employed by a fire extinguishing system contractor shall continue to be valid until it would otherwise expire, but the licensee shall not perform work requiring licensure under this chapter until the licensee is again employed by a fire extinguishing system contractor. If the licensee becomes employed by a fire extinguishing system contractor other than the contractor which employed the licensee at the time the license was issued, the licensee shall notify the fire marshal and shall apply for an amendment to the license. The fire marshal may establish by rule a fee for amending a license. This subsection shall not extend the time period during which a license is valid. This subsection does not apply to a licensee whose work on extinguishing systems is restricted to systems on property owned or controlled by the licensee's employer.

4. The fire marshal, by rule, may restrict the scope of work authorized by a license with appropriate endorsements.

Sec. 7. Section 100D.4, subsections 1 and 2, Code Supplement 2009, are amended to read as follows:

1. An applicant for a fire sprinkler protection system installer and maintenance worker license or renewal of an active license shall provide evidence of a public liability insurance policy and surety bond in an amount determined sufficient by the fire marshal by rule.

2. If the applicant is engaged in fire sprinkler protection system installer and maintenance worker work individually through a business conducted as a sole proprietorship, the applicant shall personally obtain the insurance and surety bond required by this section. If the applicant

is engaged in the fire ~~sprinkler~~ protection system installer and maintenance worker business as an employee or owner of a legal entity, then the insurance and surety bond required by this section shall be obtained by the entity and shall cover all fire ~~sprinkler~~ protection system installer and maintenance worker work performed by the entity.

Sec. 8. Section 100D.5, subsection 1, Code Supplement 2009, is amended to read as follows:

1. ~~Adopt~~ After consultation with the fire extinguishing system contractors and alarm systems advisory board established pursuant to section 100C.10, adopt rules pursuant to chapter 17A necessary for the administration and enforcement of this chapter.

Sec. 9. Section 100D.8, Code Supplement 2009, is amended to read as follows:

100D.8 Provisional licensure.

1. An applicant for licensure under this chapter as a fire ~~sprinkler~~ protection system installer and maintenance worker who possesses a minimum of four years of experience as an apprentice ~~sprinkler fitter~~ fire protection system installer and maintenance worker and who has not successfully passed the licensure examination or achieved certification as required pursuant to section 100D.3 by January 1, 2010, shall be issued a license as a fire ~~sprinkler~~ protection system installer and maintenance worker for a period ending no later than ~~June 30~~ December 31, 2010. A provisional license shall be granted upon presentation of satisfactory evidence to the fire marshal demonstrating experience and competency in conducting fire protection system installations and fire protection system maintenance according to criteria to be determined by the fire marshal in rule.

2. An applicant issued a provisional license pursuant to this section shall pass the licensure examination or achieve certification on or before ~~June 30~~ December 31, 2010, in order to remain licensed as a fire ~~sprinkler~~ protection system installer and maintenance worker. A provisional license fee shall be established by the fire marshal by rule. No provisional licenses shall be issued after ~~April~~ July 1, 2010.

Sec. 10. Section 100D.9, subsection 1, Code Supplement 2009, is amended to read as follows:

1. An applicant for licensure under this chapter, who is employed as a fire ~~sprinkler~~ protection system installer and maintenance worker as of July 1, 2008, shall be issued a license upon presentation of satisfactory evidence to the department of at least eight thousand five hundred hours of experience as a fire ~~sprinkler~~ protection system installer and maintenance worker and one of the following:

a. Presentation of a certificate of completion of a ~~United States department of labor, office of apprenticeship, four-year or five-year protection system apprenticeship program, approved by the United States department of labor.~~

b. A passing score on the national inspection, testing and certification star fire sprinkler mastery exam or an equivalent exam from a nationally recognized third-party testing agency that is approved by the state fire marshal.

c. Certification, ~~based upon general work elements, as defined by the national institute for certification in engineering technologies, at level I by the national institute for certification in engineering technologies, and~~ or another entity as specified by rule by the state fire marshal.

Sec. 11. Section 100D.10, Code Supplement 2009, is amended to read as follows:

100D.10 Reciprocal licenses.

To the extent that another state provides for the licensing of fire ~~sprinkler~~ protection system installers and maintenance workers or similar action, the state fire marshal may issue a fire ~~sprinkler~~ protection system installer and maintenance worker license, without examination, to a nonresident fire ~~sprinkler~~ protection system installer and maintenance worker who has been licensed by such other state for at least three years provided such other state grants the same reciprocal licensing privileges to residents of Iowa who have obtained a fire ~~sprinkler~~ protection system installer and maintenance worker license upon payment by the applicant of the required fee and upon furnishing proof that the qualifications of the applicant are equal to the qualifications of holders of similar licenses in this state.

Sec. 12. Section 100D.11, subsection 2, Code Supplement 2009, is amended to read as follows:

2. The provisions of this chapter shall not be construed to apply to a person ~~employed full time as a custodian for a school corporation, hospital, or public facility, who performs fire sprinkler maintenance work involving no more than one sprinkler head or nozzle~~ only performing routine maintenance.

Sec. 13. Section 100D.13, subsection 1, unnumbered paragraph 1, Code Supplement 2009, is amended to read as follows:

The state fire marshal may issue a temporary fire ~~sprinkler protection system~~ installer and maintenance worker license to a person, providing that all of the following conditions are met:

Sec. 14. Section 100D.13, subsection 1, paragraphs a and e, Code Supplement 2009, are amended to read as follows:

a. The person is currently licensed or certified to perform work as a fire ~~sprinkler protection system~~ installer and maintenance worker in another state.

e. The person intends to perform work as a fire ~~sprinkler protection system~~ installer and maintenance worker only in areas of this state which are covered by a disaster emergency declaration issued by the governor pursuant to section 29C.6.

Sec. 15. Section 272C.1, subsection 6, paragraph af, Code Supplement 2009, is amended to read as follows:

af. The department of public safety, in licensing fire ~~sprinkler protection system~~ installers and maintenance workers pursuant to chapter 100D.

Approved March 10, 2010

CHAPTER 1038

CITY DEVELOPMENT BOARD — MEMBERSHIP TERMS

H.F. 2318

AN ACT relating to the length of terms and the limitation on length of service for city development board members and including effective date and applicability provisions.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 368.9, subsection 1, Code 2009, is amended to read as follows:

1. A city development board is created. The department of economic development shall provide office space and staff assistance, and shall budget funds to cover expenses of the board and committees. The board consists of five members appointed by the governor subject to confirmation by the senate. The appointments must be for ~~six-year~~ four-year staggered terms beginning and ending as provided by section 69.19, or to fill an unexpired term in case of a vacancy. Members are eligible for reappointment, ~~but no member shall serve more than two complete six-year terms.~~

Sec. 2. **APPLICABILITY.** This Act applies to appointments to the city development board to fill vacancies resulting from an expired term made on or after the effective date of this Act.

Sec. 3. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of immediate importance, takes effect upon enactment.

Approved March 10, 2010